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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,325	12/14/2000	Stephen F. Bisbee	003670-063	9515

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EXAMINER	
PYZOCHA, MICHAEL J	
ART UNIT	**PAPER NUMBER**
2137	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/737,325	BISBEE ET AL.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are pending.

2. Amendment on 12/19/2005 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 5-10, 13-15, 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano et al (US 5191613), further in view of Takaragi et al (US 4885777) and further in view of Davidson et al (US 4988209).

As per claim 1, Graziano et al discloses a method of handling stored objects that have been created by signing information authoritative objects by submitting signed authoritative objects to a trusted third-part repository of information objects (see column 14 lines 9-12 and lines 37-41), validating the submitted signed authoritative copy object (see column 14 lines 18-24), establishing a rule that establishes a

least one type of object, establishing at least one type of authoritative copy object as potential transferable records (see column 4 lines 44-63), enabling at least one selected user to access at least one selected type of object (see column 6 lines 47-56), identifying at least one type of authoritative copy object required to conclude a deal (see column 4 lines 47-50), controlling transformation of a selected authoritative copy object into a transferable record (see column 5 line 66 through column 6 line 23).

Graziano et al fails to disclose the TCU applying a date-time stamp, digital signature and authentication certificate of the TCU to each information object.

However, Takaragi et al discloses the use of a date-time stamp, digital signature and authentication certificate (see column 7 lines 20-23).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the date-time stamp, digital signature and authentication certificate of Takaragi et al in the system of Graziano.

Motivation to do so would have been to allow a user more time to determine if any of the authentication materials are invalid (see Takaragi et al (column 7 lines 23-44).

The modified Graziano et al and Takaragi et al system fails to disclose the date-time stamp being a current date-time stamp.

However, Davidson et al teaches such a current time stamp (see column 7 lines 41-47).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Davidson et al's current time stamp with the time stamp of the modified Graziano et al and Takaragi et al system.

Motivation to do so would have been to denote the start of an event (see Davidson et al column 7 lines 41-47).

As per claim 2, the modified Graziano et al, Takaragi et al and Davidson et al system discloses that based on rules established by an owner of an authoritative copy object requiring execution as part of concluding the deal, the trusted third-part repository of information objects notifies at least one participant in the deal when the object is received by the trusted third-part repository of information objects (see Graziano et al column 14 lines 60-67).

As per claim 5, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the trusted third-part repository of authoritative copy objects receiving a request from a user to retrieve content of an authoritative copy object, checking the established rule associated with the type of

authoritative copy object identified in the request to determine whether the user has been enabled to access the type of authoritative copy object identified in the request (see Graziano et al column 14 lines 12-28).

As per claim 6, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses he request indicates that the content is to be retrieved to add at least one signatures, and if the user has been enabled to access the type of the authoritative copy object identified in the request, the trusted third-party repository of information objects carries out the steps of: stripping all signatures from the authoritative copy object identified in the request, thereby leaving only the content of the authoritative copy object; forming a wrapper that includes the content of the authoritative copy object identified in the request, a current date-time indication, and the trusted third-party repository of information objects digital signature and authentication certificate, and communicating the wrapper to the user (see column 10 lines 29-55).

As per claim 7, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses wherein the user receives the wrapper and extracts the content for rendering by the user (see column 10 lines 29-55).

As per claim 8, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the user prints the content (see column 5 lines 14-26).

As per claim 9, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the user queries the trusted third-party repository of information objects for parties who may have signed the authoritative copy object corresponding to the content rendered by the user, and in response to the query, the trusted third-party repository of information objects unwraps the authoritative copy object, extracts any signer information included in the authoritative copy object, forms a data structure comprising the signer information, and communicates the data structure to the user (see column 10 lines 5-26, column 11 lines 15-25, column 12 lines 21-28).

As per claim 10, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses after rendering the content, a user forms a respective signature block from the content and the user's digital signature, commits to be bound by its digital signature, and submits the signature block to the trusted third-party repository of information objects (see column 10 lines 29-55).

As per claim 13, the modified Graziano et al, Takaragi et al, and Davidson et al system fails to disclose the blocks being sent in parallel. However, Official Notices is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to send the blocks in parallel. Motivation to do so would have been to receive more than one block at a time.

As per claim 14, the modified Graziano et al, Takaragi et al, and Davidson et al system fails to disclose the blocks being stored recursively. However, Official Notices is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to recursively store the blocks. Motivation to do so would have been that it is helpful for repeatedly processing similar output.

As per claim 15, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the trusted third-party repository of information objects extracts information from the signature block submitted by the user and, based on the extracted information, verifies an identity of the user and an integrity of the content used to form the signature block (see column 10 lines 29-55).

As per claim 17, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the content is submitted

to the trusted third-party repository of information objects, and the trusted third-party repository of information objects retrieves the corresponding authoritative copy object, unwraps the authoritative copy object to retrieve the content of the authoritative copy object, and forms a wrapper that includes the retrieved content, the submitted signature block, a current date-time indication and the trusted third-party repository of information objects digital signature and authentication certificate, whereby the wrapper comprises a new authoritative copy object (see Graziano et al, Takaragi et al, and Davidson et al as applied to claim 1 and Graziano column 14 lines 12-28).

As per claim 18, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the user's signature block includes an unauthenticated attribute field, and the trusted third-party repository of information objects adds the current date-time indication to the unauthenticated attribute field to indicate a time of receipt by the trusted third-party repository of information objects of the user's signature block (see Graziano et al, Takaragi et al, and Davidson et al as applied to claim 1).

As per claim 19, the modified Graziano et al, Takaragi et al, and Davidson et al system fails to disclose the blocks being stored recursively. However, Official Notices is taken that at

the time of the invention it would have been obvious to one of ordinary skill in the art to recursively store the blocks. Motivation to do so would have been that it is helpful for repeatedly processing similar output.

As per claim 20, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the trusted third-party repository of information objects notifies the owner of the authoritative copy object corresponding to the content, based on a rule established by the owner, that the signature block has been included in the wrapper (see column 14 lines 51-66).

As per claim 21, the modified Graziano et al, Takaragi et al, and Davidson et al system discloses the new authoritative copy object is a transferable record based on the established rules (see column 5 line 66 through column 6 line 23).

As per claim 24, the modified Graziano et al, Takaragi et al, and Davidson et al system fails to disclose the use of tags. However, Official Notices is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to use tags in the data structure. Motivation to do so would have been to label the information within the data structure.

Claims 22-23 and 25 are similarly rejected to the above claims (see also Graziano et al column 11 line 15 through column 12 line 35).

5. Claims 3, 11-12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Graziano et al, Takaragi et al, and Davidson et al system as applied to claims 1 and 10 above, and further in view of Fischer (US 4868877).

As per claims 3, 11-12, and 16, the modified Graziano et al, Takaragi et al, and Davidson et al system fails to disclose the signature block comprises signer information that includes at least a hash of the content and the user's digital signature and certificate information.

However, Fischer teaches such a signature (see column 11 lines 45-53 and column 12 line 65 through column 13 line 8).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Fischer's signature in the modified Graziano et al, Takaragi et al, and Davidson et al system.

Motivation to do so would have been to permit a party to specify other signatories who are required to cosign actions taken by another party when using the certification (see column 13 lines 34-39).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Graziano et al, Takaragi et al, Davidson et al, and Fischer system as applied to claim 3 above, and further in view of Leonhardt et al (US 5424526).

As per claim 4, the modified Graziano et al, Takaragi et al, Davidson et al, and Fischer system fails to disclose metadata.

However, Leonhardt et al teaches the use of metadata (see column 1 lines 61-67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Leonhardt et al's metadata in the modified Graziano et al, Takaragi et al, Davidson et al, and Fischer system.

Motivation to do so would have been that it is desirable to keep a summary of the contents of any object with variable contents attached directly to the object (see column 1 lines 61-67).

Response to Arguments

7. Applicant's arguments filed 12/19/2005 have been fully considered but they are not persuasive. Applicants argue Examiner used hindsight and the combined references are nonanalogous art.

8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. In response to applicant's argument that each reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case Applicant's invention is related to each reference which are related to the creation, storage, maintenance and transfer of records or documents using a third party. Particularly Graziano et al is related to document authentication for transferring, editing, and saving of said authenticated document using a third party (see column 14 lines

9-41; column 4 lines 44-63; and column 6 lines 47-56). Takaragi et al is related to digital signatures in a transaction system for computer documents (see column 1 lines 8-11). Davidson et al is related adding time stamps to stored log files (see figure 3 and column 7 lines 41-47). Fischer relates to the authentication and certification of transferred objects (see figures 3-4). Leonhardt et al is related to transferring and storing objects that have associated summary meta-data (see column 1 lines 61-67).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

E. Moise

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